

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHAEL KALAMI LEE ,

Petitioner,

v.

MELISSA ANDREWSKI, et al. ,

Respondent.

CASE NO. 3:23-cv-05576-BHS-BAT

**ORDER STRIKING MOTIONS TO
STAY § 2254 PETITION AND FOR
FURTHER EXTENSION AND
DIRECTING STATE TO RESPOND
TO HABEAS PETITION**

Petitioner filed a *pro se* 28 U.S.C. § 2254 petition seeking relief from his 2005 conviction and sentence for Child Rape in the First Degree in Clark County Case No. 05-1-01245-5. On July 5, 2023, Petitioner filed a motion to stay and abey proceedings pending exhaustion of state remedies in the Washington Supreme Court Case Number 102921-4. Dkt. 8. The Court directed service of the habeas petition and directed Respondent to file a response to the motion to stay and abey. Dkt. 11.

On July 21, 2023, Petitioner filed a “Motion Further Exhaustion Completed,” Dkt. 16, and attached a copy of the Washington Supreme Court’s Ruling denying review in Case Number 102041-4 on the grounds the Washington Court of Appeals properly dismissed Petitioner’s personal restraint petition as untimely. Dkt. 17.

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1 The Court, having reviewed Petitioner's motions and the record, hereby ORDERS as
2 follows:

3 (1) Petitioner avers the Washington Supreme Court has denied review and thus state
4 proceedings are now final. His motion to stay and abey, Dkt. 8, is STRICKEN as moot.

5 (2) Petitioner's motion "Further Exhaustion," Dkt. 16, is STRICKEN because
6 Petitioner avers state proceedings are final.

7 (3) **By September 15, 2023**, Respondent shall file and serve a response to
8 Petitioner's 2254 Habeas Petition and serve a copy on Petitioner. The response shall be noted
9 for the second Friday after filing. Petitioner may file and serve a reply not later than the Monday
10 immediately preceding the Friday designated for consideration of the matter.

11 (4) Filing by Parties, Generally

12 All attorneys admitted to practice before this Court are required to file documents
13 electronically via the Court's CM/ECF system. Because Petitioner is detained in a facility
14 operated by the Department of Corrections, he must utilize the prison electronic filing system
15 and procedure. All filings must indicate in the upper right hand corner the name of the
16 magistrate judge to whom the document is directed.

17 Any document filed with the Court must be accompanied by proof that it has been served
18 upon all parties that have entered a notice of appearance in the underlying matter.

19 (5) Motions

20 Any request for court action shall be set forth in a motion, properly filed and served.
21 Pursuant to LCR 7(b), any argument being offered in support of a motion shall be submitted as a
22 part of the motion itself and not in a separate document. The motion shall include in its caption
23 (immediately below the title of the motion) a designation of the date the motion is to be noted for

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1 consideration on the Court's motion calendar.

2 (6) Direct Communications with District Judge or Magistrate Judge

3 No direct communication is to take place with the District Judge or Magistrate Judge with
4 regard to this case. All relevant information and papers are to be directed to the Clerk.

5 DATED this 31th day of July, 2023.

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BRIAN A. TSUCHIDA
United States Magistrate Judge